

FILED

08/03/2022  
Terry Halpin  
Clerk

Yellowstone County District Court  
STATE OF MONTANA  
By: Pamela Owens  
DV-58-2018-0001433-01  
Davies, Colette B.  
103.00

David F. Knobel (MT Bar #212614)  
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*Attorneys for Stacey Rosman*

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY

DUANE BENDER and REBECCA  
ESTATES, LLC,

Plaintiffs,

vs.

STACEY ROSMAN and JOHN DOES 1-10,

Defendant.

Cause No.: DV 18-1433

Judge: Colette B. Davies

**NOTICE OF ENTRY OF JUDGMENT**

**TO: Plaintiffs Duane Bender, P.O. Box 31553, Billings, MT 59107**

Defendant and Counterclaimant, Stacey Rosman ("Mr. Rosman"), by and through counsel, Crowley Fleck PLLP, and as the prevailing party in the above-captioned action, provide notice of entry of the attached judgment pursuant to Mont. R. Civ. P. 77(d). Notice is provided to all parties that judgment has been entered. The judgment is attached hereto as **Exhibit A**. Mr. Rosman, as the prevailing party, will serve this notice and the judgment on all parties who have made an appearance.

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Dated: August 3, 2022.

/s/ David F. Knobel

David F. Knobel (MT Bar #212614)

Crowley Fleck PLLP

500 Transwestern Plaza II

PO Box 2529

Billings, MT 59103-2529

*Attorneys for Defendant Stacey Rosman*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served upon the following counsel of record, by the means designated below, on this 3rd day of August, 2022.

☒ U.S. Postal Service  
☐ FedEx  
☐ Hand Delivery  
☐ Facsimile  
☒ E-mail  
☐ E-File

Duane Bender  
PO Box 31553  
Billings, MT 59107-1553  
[palmtreemt@gmail.com](mailto:palmtreemt@gmail.com)

☒ U.S. Postal Service  
☐ FedEx  
☐ Hand Delivery  
☐ Facsimile  
☒ E-mail  
☐ E-File

Rebecca Estates  
PO Box 31553  
Billings, MT 59107-1553  
[palmtreemt@gmail.com](mailto:palmtreemt@gmail.com)

☒ U.S. Postal Service  
☐ FedEx  
☐ Hand Delivery  
☐ Facsimile  
☐ E-mail  
☐ E-File

Billings Collision Repair  
Dba Action Towing  
1207 South 32<sup>nd</sup> Street West  
Billings, MT 59102  
[tyler@westlawfirm.pro](mailto:tyler@westlawfirm.pro)  
[jock@westlawfirm.pro](mailto:jock@westlawfirm.pro)

/s/ David F. Knobel  
CROWLEY FLECK PLLP

FILED

07/29/2022

Terry Halpin  
CLERK

Yellowstone County District Court  
STATE OF MONTANA

By: Pamela Owens

DV-56-2018-0001433-QT

Davies, Colette B.

101.00

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY

DUANE BENDER and REBECCA  
ESTATES, LLC,

Plaintiffs.

vs.

STACEY ROSMAN and JOHN DOES 1-10,

Defendant.

Cause No.: DV 18-1433

Judge: Colette B. Davies

**JUDGMENT**

This matter originally concerned, among other legal issues, a dispute between neighbors regarding a prescriptive easement. Rather than resolve their dispute at trial, the parties, Plaintiff Duane Bender ("Bender") and Defendant Stacey Rosman ("Rosman") agreed to execute a settlement agreement, dated December 5, 2019. On June 13, 2022, the Court determined that Bender had failed to comply with the terms of the settlement agreement and entered the Order Enforcing Settlement Agreement (Doc. No. 93) (the "Order"). The Order granted Defendant Stacey Roseman's Motion to Enforce Settlement Agreement (Doc No. 51) and further awarded certain sums to Defendant Stacey Rosman, including, but not limited to Defendant Stacey Rosman's attorneys' fees. The Order required Plaintiff Duane Bender ("Bender") to purchase certain real property located in Yellowstone County, Montana, described as follows ("the "Property"):

S03, T02 N, R27E, C.O.S. 1208, PARCEL 3B1, AMND.

The Property is also commonly known as 4900 Haynes Road, Shepard, Montana 59079.



On July 11, 2022, the Court heard testimony regarding the reasonableness of Defendant Stacey Rosman's attorneys' fees and determined that the amount of fees and costs requested by Defendant Rosman were reasonable. The Court further set a thirty (30) day deadline for Bender to purchase the Property.

IT IS on this 27th day of July, 2022, hereby **ORDERED** and **DECREED** that this judgment shall be entered in favor of the Defendant Stacey Rosman and against Plaintiff Duane Bender as follows:

1. Defendant Stacey Rosman is hereby awarded a judgment against Plaintiff Duane Bender in the amount of \$202,000.00 for the Real Property purchase price owed under the Settlement Agreement; \$650.00 for the cost of the appraisal; prejudgment interest at the rate of 7.75 percent from April 1, 2020 until July 1, 2022 in the amount of \$34,028.28 (\$15,705.38 per year (7.75 percent of \$202,650) or \$1,308.78 per month for a total of 26 months), legal fees in the amount of \$43,767.00; and costs and disbursements in the amount of \$780.50, for a total judgment of \$281,225.78. Until paid, interest continues to accrue thereon at the statutory rate of 7.75% annually, or \$1,816.25 per month. Defendant Stacey Rosman is further awarded legal fees and costs he may expend in collecting upon this Judgment;

2. Plaintiff Duane Bender is entitled to reduce the total judgment owed in the amount of \$202,000.00 if he completes the purchase of the subject real property, located in Yellowstone County, Montana, within thirty (30) days of this Order. The subject real property is described as follows ("the "Property"):

S03, T02 N, R27E, C.O.S. 1208, PARCEL 3B1, AMND.

The Property is also commonly known as 4900 Haynes Road, Shepard, Montana 59079;

3. If Plaintiff Duane Bender fails to complete the purchase of the Property within

thirty (30) days of this Order, Defendant Stacey Rosman is entitled to an order holding Plaintiff Duane Bender in contempt pursuant to §3-1-512 of the Montana Code Annotated.

4. Further, if Plaintiff Duane Bender fails to complete the purchase of the Property within 30 days of this Order, Defendant Stacey Rosman is entitled to list and sell the Property to any third party but shall file a notice of partial satisfaction with the Court that reflects the final purchase price of the Property;

5. If after 30 days from this Order, no third party purchases the Property and Plaintiff Duane Bender satisfies the entire judgment owed, Defendant Stacey Rosman shall be ordered to transfer title to the Property to Plaintiff Duane Bender via quitclaim deed;

6. The Clerk shall issue Writs of Execution directing the Sheriff of Yellowstone County, or the Sheriff any county where real or personal property of Plaintiff Duane Bender may be found, to execute on said property; and

7. This Judgment shall constitute the form of judgment required by statute and the Montana Rules of Civil Procedure.

July 27, 2022

cc: David Knobel  
Duane Bender

Colette B. Davies  
COLETTE B. DAVIES  
DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

This is to certify that the foregoing was duly served by mail/hand/inter-office delivery upon the parties or their attorneys of record at their last known addresses this

29 day of July, 2022

by [Signature]  
Judicial Assistant, to Hon. Colette B. Davies

## **CERTIFICATE OF SERVICE**

I, David Francis Knobel, hereby certify that I have served true and accurate copies of the foregoing Notice - Notice of Entry of Judgment to the following on 08-03-2022:

Jock B. West (Attorney)  
301 N 27th street suite 100  
Billings MT 59101  
Representing: Billings Collision Repair, Inc.  
Service Method: eService

Duane Bender (Plaintiff)  
P.O. Box 31553  
Billings 59107  
Service Method: First Class Mail

Rebecca Estates LLC (Plaintiff)  
P.O. Box 31553  
Billings 59107  
Service Method: First Class Mail

Electronically signed by Debbie Kobold on behalf of David Francis Knobel  
Dated: 08-03-2022